

**Statement of Congressman John Conyers, Jr.
Hearing on H.R. 169 - the "Notification and Federal Employee
Anti-discrimination Act of 2001"**

Let me state at the outset that I agree with Chairman Sensenbrenner that discrimination and whistle blower retaliation are pervasive in our federal agencies and mandates Congressional attention.

One does not have to look very hard to find examples of government misconduct. We all remember the infamous tailhook scandal, when women in our armed forces were forced to endure outrageous sexual taunting.

And of course, there was the notorious "good old boys" round up at the ATF, when racial slurs and race baiting were in full display by our law enforcement. None of us were surprised when the ATF was forced in 1996 to settle a class action lawsuit paying 241 current and former black ATF agents in excess of \$4.6 million in damages for illegally discriminating in its promotion practices.

Then in 1998, a District of Columbia Federal jury found that the Department of Justice -- the supposed protector of our civil rights -- had illegally discriminated against Matthew Fogg, and awarded him \$4-million in damages, the largest monetary award ever awarded to a single Federal employee.

And last year a D.C. court found that the EPA had illegally discriminated against Dr. Marsha Coleman-Adebayo on account of her race and sex to the tune of \$600,000.

And these are not isolated instances. Last year alone, federal employees filed more than 24,000 discrimination complaints against their agencies. And they were forced to pay a total of \$26 million for discrimination complaint settlements and judgments. The complaint process is so backlogged that on average a discrimination takes more than 1,100 days to process.

I would have liked to think that our federal agencies would be the models for the treatment of employees in America. But these figures indicate beyond a shadow of a doubt that the agencies are miserably falling short of this responsibility.

I believe H.R. 169 is inadequate in and of itself to respond to this ubiquitous problem, and that we can and must do much more. Among other things, I believe we should create a uniform standard for agencies to discipline managers who have committed illegal discrimination or whistle blower retaliation. We also need to encourage the use of EEOC-based voluntary alternative dispute resolution at an early stage in the process, and provide more funding to process the backlog of complaints. We also need to examine the standard of proof required to prove illegal conduct, and any other disincentives to employees seeking redress of their legal rights.

We are at the beginning, not the end of the legislative process. And I look forward to working with the Chairman in developing a full and complete response to this racism, sexism, and illegal retaliation by our own government.